

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

2.451 ACRES OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE
OF TEXAS; AND DAVID CRUZ, ET AL.,

Defendants.

§ § § § § § § § § § § § § § § §

CASE NO. 7:20-CV- 383

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, Section 230, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-4028
Owner: David Cruz, *et al.*
Acres: 2.451

BEING a 2.451 acre (106,784 square feet) parcel of land out of Porción 72, Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas, also being out of the Juan Angel Saenz Grant, Abstract 164, adjoining and between Share 4-A, common to the southwest line of the De La Cruz Subdivision, according to the map or plat thereof dated June 5, 1980, recorded in Volume 2, Page 187, of the Map Records of Starr County, Texas (M.R.S.C.T.) and the Rio Grande River; said 2.451 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a point for reference at a found 1/2-inch iron rod, having a coordinate value of N = 16,671,816.840 and E = 815,637.540, on the southwest right-of-way of Estrella Street (40' R.O.W.) and the northeast corner of Lot 5, Block 66 of the City of Roma, also being on the northeast line of a called 2.02 acre tract, also known as Parcel No. 3, described in a deed dated February 9, 2000, to Guadalupe de la Cruz et al, recorded in Volume 855, Page 606, of the Official Records of Starr County, Texas (O.R.S.C.T.), thence as follows;

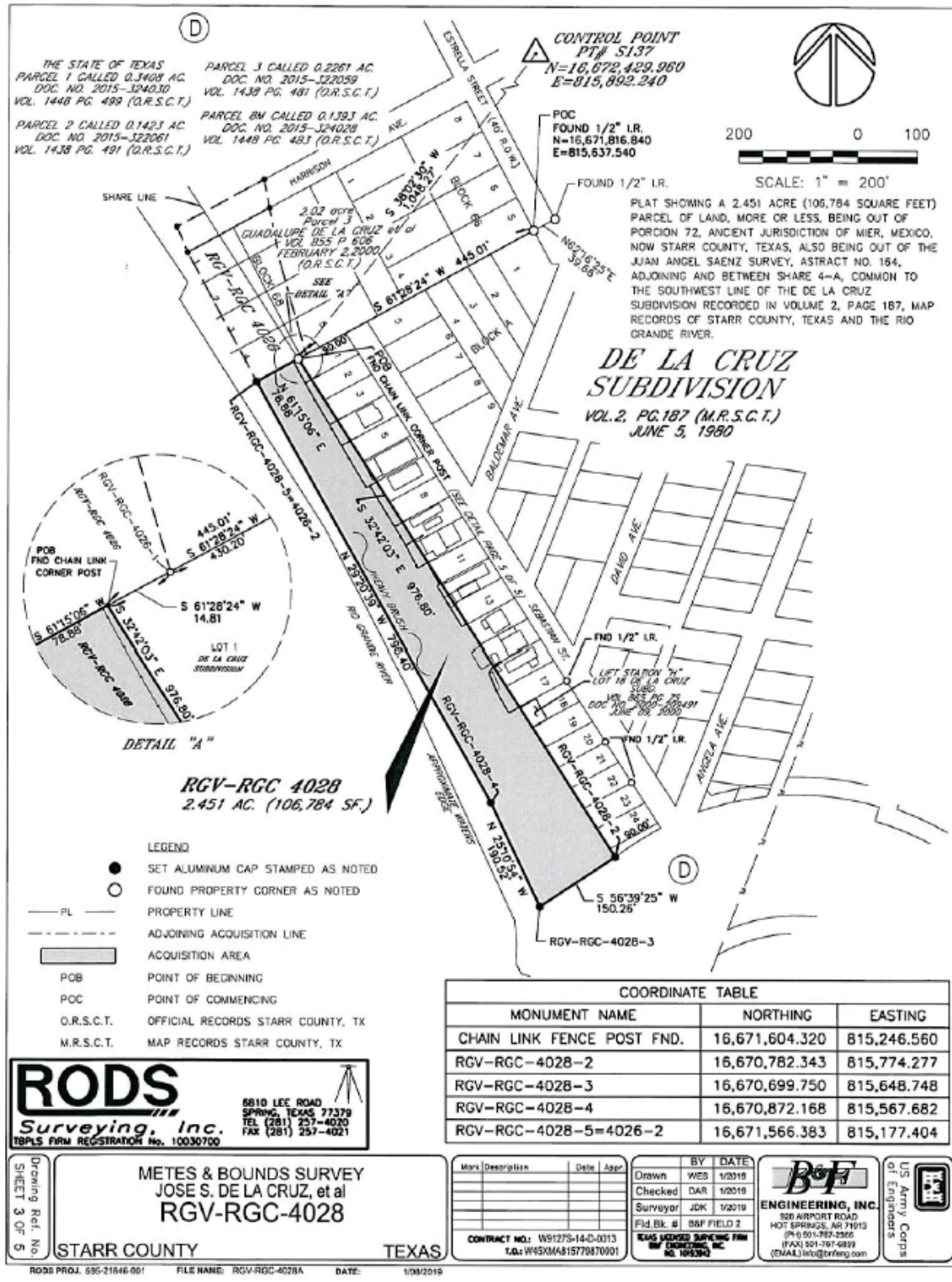
SOUTH 61°28'24" WEST, along the common northwest line of said De la Cruz Subdivision, and the southeast line of said called 2.02 acre tract, passing at a distance of 430.20 feet a 5/8-inch iron rod with aluminum cap stamped "RGV-RGC-4026-1", in all a total distance of 445.01 feet to a found chain-link fence post for the southwest corner of said De La Cruz Subdivision and the north corner and the **PLACE OF BEGINNING** of the herein described parcel, having a coordinate value of N = 16,671,604.320 and E = 815,246.560, said points bears SOUTH 38°02'30" WEST, a distance of 1,048.27 feet from United States Army Corps of Engineers Control Point No. S137.

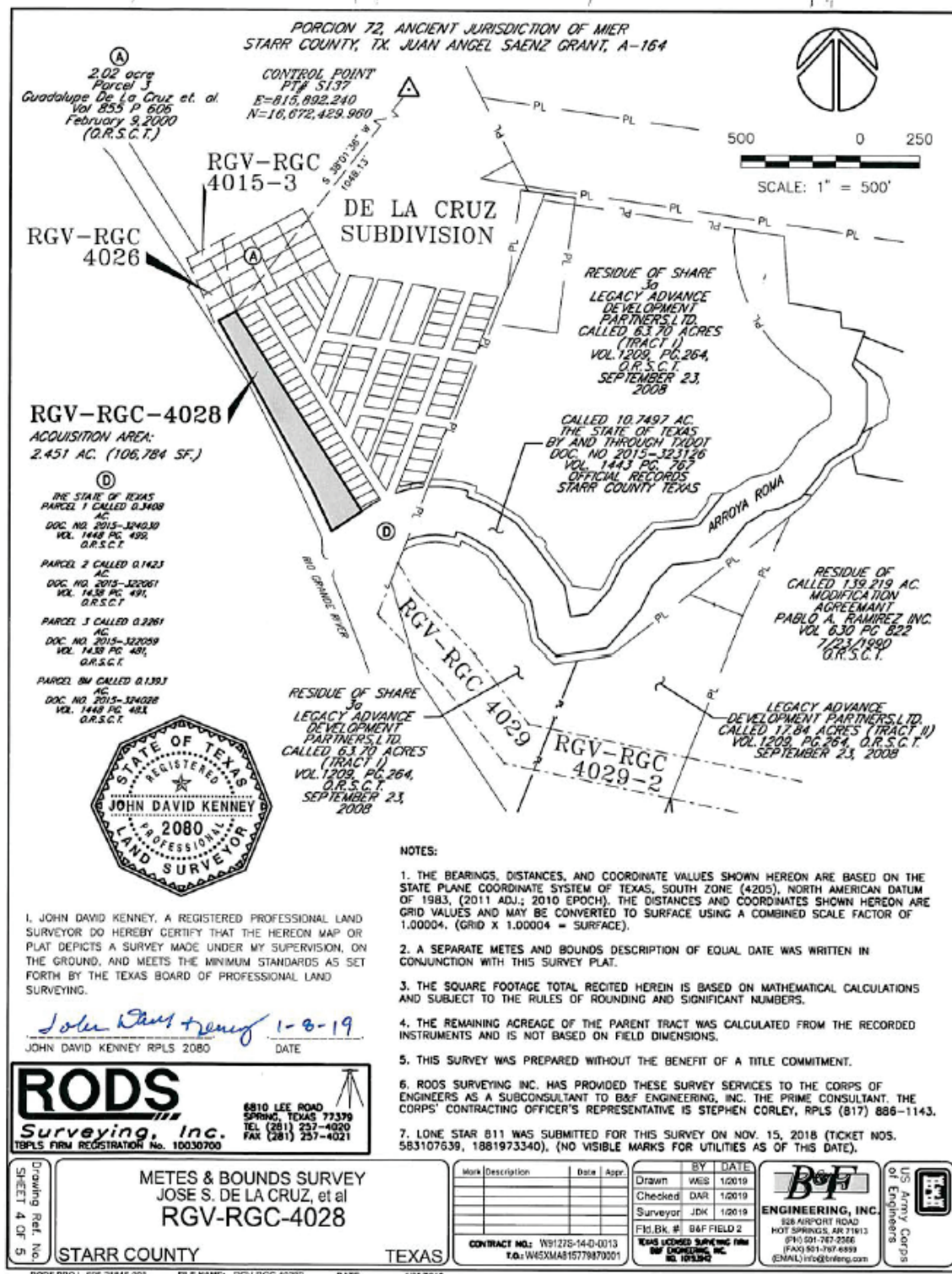
1. **THENCE**, SOUTH 32°42'03" EAST, with the common southwesterly line of said Share 4-A and said De La Cruz Subdivision, a distance of 976.80 feet to a 5/8 inch iron rod with aluminum cap stamped "RGV-RGC-4028-2" set on the west line of the Arroyo Roma, Parcel 2, a called 0.1423 acre parcel, conveyed to the State of Texas by and through the Texas Highway Commission in Document Number 2015-322061, Volume 1438, Page 491 (O.R.S.C.T.), for the east corner of the parcel described herein;
2. **THENCE**, SOUTH 56°39'25" WEST, a distance of 150.26 feet to a 5/8 inch iron rod with aluminum cap stamped "RGV-RGC-4028-3" set for the south corner of the parcel described herein;

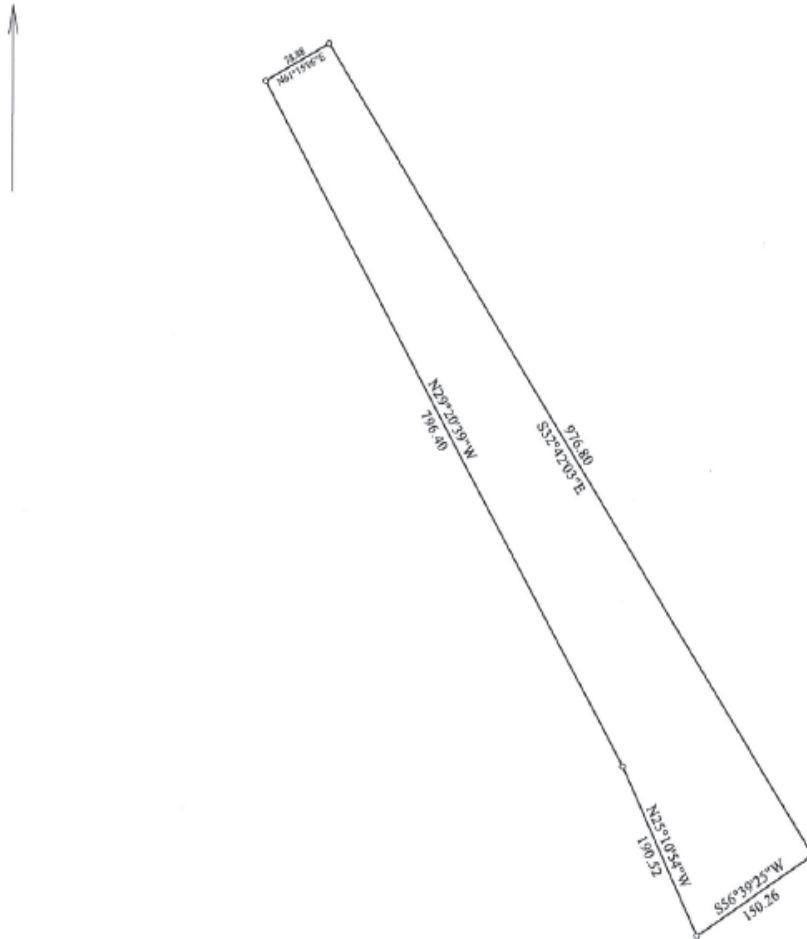
SCHEDULE C Cont.

3. **THENCE**, NORTH 25°10'54" WEST, a distance of 190.52 feet to a 5/8 inch iron rod with aluminum cap stamped "RGV-RGC-4028-4" set for an angle point of the parcel described herein;
4. **THENCE**, NORTH 29°20'39" WEST, a distance of 796.40 feet to a 5/8 inch iron rod with aluminum cap stamped "RGV-RGC-4028-5=4026-3" set for the west corner of the parcel described herein;
5. **THENCE**, NORTH 61°15'06" EAST, a distance of 78.88 feet to the **PLACE OF BEGINNING** and containing 2.451 acres (106,784 square feet) of land.

SCHEDULE D

SCHEDULE D

SCHEDULE D Cont.

SCHEDULE D Cont.

Title: RGV-RGC-4028		Date: 01-07-2019
Scale: 1 inch = 150 feet	File: RGV-RGC 4028.des	
Tract 1: 2.451 Acres: 106783 Sq Feet: Closure = n60.5454w 0.01 Feet: Precision = 1/325960: Perimeter = 2193 Feet		
001=S32.4203E 976.80	003=N25.1054W 190.52	005=N61.1506E 78.88
002=S56.3925W 150.26	004=N29.2039W 796.40	

Tract: RGV-RGC-4028
Owner: David Cruz, *et al.*
Acreage: 2.451

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-4028
Owner: David Cruz, *et al.*
Acres: 2.451

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

SCHEDULE F

SCHEDULE F

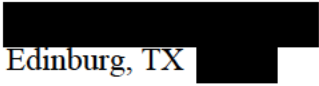

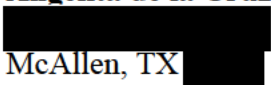

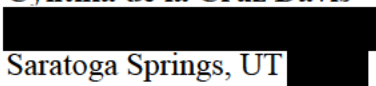

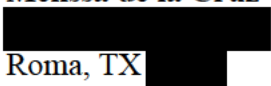

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TWELVE THOUSAND TWO HUNDRED AND FIFTY-FIVE DOLLARS AND NO/100 (\$12,255.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G
INTERESTED PARTIES

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
1. Bertha de la Cruz Munoz a/k/a Bertha Munoz  Edinburg, TX 	General Warranty Deed, Recorded on 11 April 1983; Document No. 1983-116829, Volume 471, Page 632 Starr County, Texas, Official Deed Records Presumptive heir of Maria Albeza de la Cruz a/k/a Albeza de la Cruz a/k/a Albesa E. de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92239, Volume 399, Page 22 Starr County Texas, Official Deed Records
2. Angelita de la Cruz Wheat  McAllen, TX 	Presumptive heir of Maria Albeza de la Cruz a/k/a Albeza de la Cruz a/k/a Albesa E. de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92239, Volume 399, Page 22 Starr County Texas, Official Deed Records
3. Cynthia de la Cruz Davis  Saratoga Springs, UT 	Presumptive heir of Maria Albeza de la Cruz a/k/a Albeza de la Cruz a/k/a Albesa E. de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92239, Volume 399, Page 22 Starr County Texas, Official Deed Records
4. Melissa de la Cruz  Roma, TX 	Presumptive heir of Maria Albeza de la Cruz a/k/a Albeza de la Cruz a/k/a Albesa E. de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92239, Volume 399, Page 22 Starr County Texas, Official Deed Records

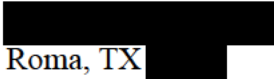
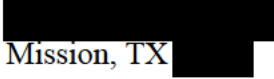
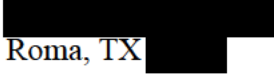
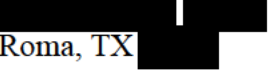

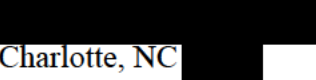
<p>5. Unknown Heirs of Maria Albeza de la Cruz a/k/a Albeza de la Cruz a/k/a Albesa E. de la Cruz</p>	<p>General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92239, Volume 399, Page 22 Starr County Texas, Official Deed Records</p>
<p>6. Esmeralda Benavidez Gonzalez [REDACTED] Katy, TX [REDACTED]</p>	<p>General Warranty Deed; Filed for Record on 21 May 1999; Document No. 1999-203166, Volume 835, Page 231 Starr County, Texas, Official Deed Records</p> <p>Presumptive heir of Tomas Benavides and Julia Cruz Benavides, relating back to the interest conveyed in General Warranty Deed; Recorded on 21 October 1976; Document No. 1976-92440, Volume 399, Page 24 Starr County, Texas, Official Deed Records</p>
<p>7. Tomas Benavidez, Jr. [REDACTED] Laredo, TX [REDACTED]</p>	<p>General Warranty Deed; Filed for Record on 21 May 1999; Document No. 1999-203166, Volume 835, Page 231 Starr County, Texas, Official Deed Records</p> <p>Presumptive heir of Tomas Benavides and Julia Cruz Benavides, relating back to the interest conveyed in General Warranty Deed; Recorded on 21 October 1976; Document No. 1976-92440, Volume 399, Page 24 Starr County, Texas, Official Deed Records</p>
<p>8. Magdalena Benavidez [REDACTED] Katy, TX [REDACTED]</p>	<p>General Warranty Deed; Filed for Record on 21 May 1999; Document No. 1999-203166, Volume 835, Page 231 Starr County, Texas, Official Deed Records</p> <p>Presumptive heir of Tomas Benavides and Julia Cruz Benavides, relating back to the interest conveyed in General Warranty Deed; Recorded on 21 October 1976; Document No. 1976-92440, Volume 399, Page 24 Starr County, Texas, Official Deed Records</p>

9. Unknown Heirs of Tomas Benavides & Unknown Heirs of Julia Cruz Benavides	General Warranty Deed; Recorded on 21 October 1976; Document No. 1976-92440, Volume 399, Page 24 Starr County, Texas, Official Deed Records
10. David Cruz & Elodia G. Cruz [REDACTED] Rio Grande City, TX [REDACTED]	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92241, Volume 399, Page 26 Starr County, Texas, Official Deed Records
11. Maria De La Luz Fabela De La Cruz a/k/a Maria De La Cruz [REDACTED] Roma, TX [REDACTED]	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92242, Volume 399, Page 28 Starr County, Texas, Official Deed Records
12. Baldemar Cruz, Jr. Unknown Address	Heir of Baldemar Sebastian Cruz a/k/a Baldemar de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92242, Volume 399, Page 28 Starr County, Texas, Official Deed Records Affidavit of Heirship Recorded on 18 February 2000; Document No. 2000-207478 Vol. 855, Page 600 Starr County, Texas, Official Deed Records
13. Mario Alberto Cruz [REDACTED] Roma, TX [REDACTED]	Heir of Baldemar Sebastian Cruz a/k/a Baldemar de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92242, Volume 399, Page 28 Starr County, Texas, Official Deed Records Affidavit of Heirship Recorded on 18 February 2000; Document No. 2000-207478 Vol. 855, Page 600 Starr County, Texas, Official Deed Records
14. Angela Maria Cruz Falcon [REDACTED] Roma, TX [REDACTED]	Heir of Baldemar Sebastian Cruz a/k/a Baldemar de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92242,

	<p>Volume 399, Page 28 Starr County, Texas, Official Deed Records</p> <p>Affidavit of Heirship Recorded on 18 February 2000; Document No. 2000-207478 Vol. 855, Page 600 Starr County, Texas, Official Deed Records</p>
15. Unknown Heirs of Eduardo Cruz	<p>General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92242, Volume 399, Page 28 Starr County, Texas, Official Deed Records</p> <p>Affidavit of Heirship Recorded on 18 February 2000; Document No. 2000-207478 Vol. 855, Page 600 Starr County, Texas, Official Deed Records</p>
16. Rafael de la Cruz Unknown Address	<p>Presumptive heir of Gilberto de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92243, Volume 399, Page 30 Starr County, Texas, Official Deed Records</p>
17. Angela Castillo Unknown Address	<p>Presumptive heir of Gilberto de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92243, Volume 399, Page 30 Starr County, Texas, Official Deed Records</p>
18. Unknown Heirs of Gilberto de la Cruz & Unknown Heirs of Trinidad Cruz	<p>General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92243, Volume 399, Page 30 Starr County, Texas, Official Deed Records</p>
19. Elena G. Cruz [REDACTED] Roma, TX [REDACTED]	<p>General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records</p>

20. Francisco Javier de la Cruz Unknown Address	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
21. Teresita “Tere” de la Cruz Unknown Address	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
22. Norma de la Cruz Unknown Address	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
23. Valentina de la Cruz Alvarez [REDACTED] San Antonio, TX [REDACTED]	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
24. Joanna de la Cruz Unknown Address	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
25. Yvette de la Cruz Unknown Address	Presumptive heir of Jorge de la Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32 Starr County, Texas, Official Deed Records
26. Unknown Heirs of Jorge de la Cruz	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92244, Volume 399, Page 32

	Starr County, Texas, Official Deed Records
27. Maria Christina Longoria Cruz a/k/a Christina de la Cruz Unknown Address	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92245, Volume 399, Page 34 Starr County, Texas, Official Deed Records
28. Maria Guadalupe Cruz Rios [REDACTED] Roma, TX [REDACTED]	Presumptive heir of Guadalupe Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92245, Volume 399, Page 34 Starr County, Texas, Official Deed Records
29. Natalia de la Cruz Perez [REDACTED] Roma, TX [REDACTED]	Presumptive heir of Guadalupe Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92245, Volume 399, Page 34 Starr County, Texas, Official Deed Records
30. Sylvia de la Cruz Gonzalez [REDACTED] Roma, TX [REDACTED]	Presumptive heir of Guadalupe Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92245, Volume 399, Page 34 Starr County, Texas, Official Deed Record
31. Unknown Heirs of Guadalupe Cruz, Sr.	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92245, Volume 399, Page 34 Starr County, Texas, Official Deed Records
32. Maria Socorro Cruz Mascorro [REDACTED] [REDACTED] Corpus Christi, TX [REDACTED]	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
33. Juan Ramon Cruz [REDACTED] Quitman, TX [REDACTED]	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records

34. Teresa Garcia Cruz  Roma, TX	Presumptive heir of Federico Cruz, Sr., Celia G. Cruz, and Federico Cruz, Jr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
35. Ruben Cruz  Mission, TX	Presumptive heir of Federico Cruz, Sr., Celia G. Cruz, and Federico Cruz, Jr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
36. Gerardo Cruz  Roma, TX	Presumptive heir of Federico Cruz, Sr., Celia G. Cruz, and Federico Cruz, Jr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
37. Janette Cruz  Roma, TX	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
38. Jose Noel Cruz, Sr.  Roma, TX	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
39. Ricardo Alberto Cruz  Charlotte, NC	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records

40. Hector Cruz ██████████ Mission, TX ██████████	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
41. Jesus Roberto Cruz ████████████████████ MidHill, NC ██████████	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
42. Rosa Maria Cruz Ryan ████████████████████ Jackson, MI ██████████	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
43. Guillermo Cruz ████████████████████ Roma, TX ██████████	Presumptive heir of Federico Cruz, Sr. and Celia G. Cruz, relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
44. Adriana Cruz ████████████████████ Taylorsville, NC ██████████	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
45. Eduardo Antonio Cruz ████████████████████ Oxnard, CA ██████████	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
46. Monica Alma Cruz ████████████████████ Oxnard, CA ██████████	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976;

	Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
47. Armando Cruz [REDACTED], Los Angeles, CA [REDACTED]	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
48. Andrea Angelica Cruz Jimenez [REDACTED] Fontana, CA [REDACTED]	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
49. Alejandra Veronica Cruz Arce [REDACTED], Oxnard, CA [REDACTED]	Presumptive heir of Federico Cruz, Sr., relating back to the interest conveyed in General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
50. Unknown Heirs of Federico Cruz, Sr. & Unknown Heirs of Celia G. Cruz	General Warranty Deed; Recorded on 28 October 1976; Document No. 1976-92246, Volume 399, Page 36 Starr County, Texas, Official Deed Records
51. Ameida Salinas Starr County Tax Assessor—Collector 100 N. FM 3167 Suite 201 Rio Grande City, TX 78582	Property Taxes

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
N. Joseph Unruh, United States Attorney's Office, Southern District of Texas, 1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501

DEFENDANTS

2.451 Acres of Land, More of Less, Situate in Starr County, State of Texas; and David Cruz, et. al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/24/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ N. Joseph Unruh

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____